

CLAIMS: THE LABAREE CASE

American memorandum done at Tehran December 20, 1904; Persian note signed at Tehran January 3, 1905

1905 For. Rel. 723 ¹

AMERICAN MEMORANDUM

[TRANSLATION]

In the matter of the murder of Benjamin W. Labaree, an American citizen. The Persian Government having agreed to the demands of the American Government requiring—

1. The imprisonment for life of Mir Ghaffar, the principal murderer.
2. The arrest and punishment according to the measure of their guilt of his accomplices in the murder.
3. The payment in cash for the benefit of the widow and orphans of the deceased of an indemnity in the sum of \$50,000 gold.

And the President of the United States desiring to set a salutary example to prevent similar crimes rather than to exact harsh and inconvenient terms of the Persian Government, and considering the unbroken friendship that has subsisted between the two governments in the past has instructed Richmond Pearson, envoy extraordinary and minister plenipotentiary of the United States, to accept the sum of \$30,000 instead of the sum of \$50,000, the full amount of the indemnity conceded by the Persian Government on the following express conditions, to wit:

1. If Mir Ghaffar shall be permitted to escape from prison by the negligence or connivance of Persian officials.
2. Or if the leading accomplices, notoriously identified as participants in the crime and living within the jurisdiction of Persia, shall not have been captured and punished according to the measure of their guilt before March 9, 1906.
3. Or if the amount of the indemnity or any part thereof shall be levied by special tax, or by other device or pretext exacted it from the Christian population residing in Urumia or elsewhere in Persia, then and in any such event,

¹ For background, see 1904 For. Rel. 657–672, 835 and Moore, *A Digest of International Law*, vol. VI, p. 806.

so much of the indemnity as is hereby remitted, to wit, the sum of \$20,000, shall immediately become due and payable just as if no reduction had been made in the total amount conceded by the Persian Government, it being the purpose and intent of both governments in concluding this form of settlement to prevent as far as possible the recurrence of similar crimes.

Signed on behalf of the United States by Richmond Pearson, envoy extraordinary and minister plenipotentiary, the 20th day of December, 1904, corresponding to the 12th of Shavval A. H. 1322.

PERSIAN NOTE

The Minister of Foreign Affairs to the American Minister

[TRANSLATION]

MINISTRY FOR FOREIGN AFFAIRS

26th of Shavval, 1322

(3d of January, 1905)

YOUR EXCELLENCY: I have considered the draft memorandum, which you presented to me several days ago, containing the conditions for bringing to a conclusion the case of the murder of Mr. Labaree.

In order to settle the question of the indemnity of \$30,000, which the Government of the United States has demanded for the support of the widow and orphans of Mr. Labaree, I have now to place in your hands a draft on the Imperial Bank of Persia for this amount.

With regard to the imprisonment of Mir Ghaffar and the punishment of the persons implicated with him in the crime, the Persian Government will, after the necessary inquiries, in accordance with this draft memorandum keep Mir Ghaffar in perpetual confinement.

With respect to the other persons implicated in this murder, whoever of them shall be found residing within the government and jurisdiction of Persia shall, by the 9th of March, 1906, be arrested and brought to trial and punished according to the measure of their guilt.

With reference to the demand, contained in your memorandum, that the Persian Government should not, either as a tax or on any other pretext, collect the sum of the indemnity to be paid to the heirs of the late Mr. Labaree from the Christians resident in Urumia, I beg to inform your excellency that the Persian Government never had and has not thought of taking this sum by force from persons innocent of the crime. It is, however, only consistent that should it be proved, that Christians were implicated in this murder, they will not be held exempt from the punishment which the necessities of justice may demand.

I avail, etc.,

MUSHIR-ED-DOWLAH